

### **REMARKS**

Claims 1 through 4 and 11 through 18 and 21 through 24 are pending.

Claims 1 through 4 and 11 through 18 and 21 through 24 are rejected.

Claims 1 through 4 and 11, 14 through 18 and 21 through 24 are herein amended.

#### **Discussion of the rejection based on 35 U.S.C. § 112**

Examiner has rejected claims 1, 11, 16 and 17 U.S.C. § 112, second paragraph as being indefinite. Examiner has objected to the phrase: "said resource of said first computer entity is not being used by a service application at a higher level layer than said peer to peer protocol." Applicant has removed this phrase from the claims.

#### **Discussion of the rejection based on 35 U.S.C. § 103**

Examiner has rejected claims 1 through 3, 11 through 18 and 21 through 24 under 35 U.S.C. § 103 as being anticipated over US Application 2003/0055894 (Yeager) in view of USPN 7,127,613 (Pabla). Examiner has rejected claims 1 through 3, 11 through 18 and 21 through 24 under 35 U.S.C. § 103 as being unpatentable over US Application 2003/0055894 (Yeager) in view of USPN 7,127,613 (Pabla). Examiner has rejected claim 4 under 35 U.S.C. § 103 as being unpatentable over Yeager in view of Pabla and further in view of Gleichauf and further in view of Golle, "Incentives for Sharing in Peer-to-Peer Networks", 2001, Computer Science Department, Stanford University (Golle). Applicant has amended the claims to emphasize clear distinctions over the cited prior art. Applicant respectfully traverses the rejection as to the claims as amended.

Below Applicant points out subject matter in each of the independent claims that is not disclosed or suggested by the cited art. At least on the basis of the allowability of the independent claims, Applicant believes all the claims are allowable.

#### **Discussion of independent claim 1 and claims dependent thereon:**

Independent claim 1 recites:

A method performed by a first computer entity, said method comprising:

- operating a peer to peer protocol for enabling said first computer entity to utilize a resource of other computer entities in a peer to peer network, and for enabling said other computer entities to utilize a resource of said first computer entity in said peer to peer network in accordance with a peer to peer protocol; and

- operating a management process that participates in managing the other computer entities on a peer to peer basis, the participation in managing computer entities being a condition of operating the peer to peer protocol,

- wherein said management process utilizes said resource of said first computer entity, and is invoked as a background activity to manage said second computer entity.

The method set out in claim 1 includes operating a management process that participates in managing the other computer entities on a peer to peer basis. The participation in managing computer entities is a condition of operating the peer to peer protocol. This is not disclosed or suggested in the cited art.

An embodiment of this feature is described in the Specification, for example, beginning on page 5, line 31 through page 6, line 3. The Specification teaches that this feature guarantees that each peer computer contributes resources for use by other computers as well as consuming services of the network. See the Specification, for example, at page 5, lines 26 through 31.

The requirement that computers operating a peer to peer protocol participate in managing other computer entities on a peer to peer basis as a condition of operating the peer to peer protocol is not disclosed or suggested by the references cited by Examiner.

#### **Discussion of independent claim 11 and claims dependent thereon:**

Independent claim 11 recites:

- A first computer entity comprising:

- a peer to peer networking component for allowing said first computer entity to engage other computer entities on a peer to peer basis; and

- a network management component for enabling said first computer entity to participate in management of a peer to peer network in accordance with a peer to peer protocol,

- wherein said network management component operates a management process that participates in managing the other

computer entities engaged on a peer to peer basis, the participation in managing computer entities being a condition of operating the peer to peer protocol, and  
wherein said process utilizes a resource of said first computer entity, and is invoked as a background activity to manage said second computer entity.

The computer set out in claim 11 includes a network management component. The network management component operates a management process that participates in managing the other computer entities engaged on a peer to peer basis. The participation in managing computer entities is a condition of operating the peer to peer protocol. This is not disclosed or suggested in the cited art.

As discussed above, an embodiment of this feature is described in the Specification, for example, beginning on page 5, line 31 through page 6, line 3. The Specification teaches that this feature guarantees that each peer computer contributes resources for use by other computers as well as consuming services of the network. See the Specification, for example, at page 5, lines 26 through 31.

The requirement that computers operating a peer to peer protocol participate in managing other computer entities on a peer to peer basis as a condition of operating the peer to peer protocol is not disclosed or suggested by the references cited by Examiner.

**Discussion of independent claim 16 and claims dependent thereon:**

Independent claim 16 recites:

A data storage media comprising:  
program data for controlling a first computer entity to perform a method that includes:  
operating a peer to peer protocol for enabling said first computer entity to utilize resources of y other computer entities in a peer to peer network in accordance with a peer to peer protocol, and for enabling the other computer entities to utilize resources of said first computer entity in said peer to peer network; and  
operating a management process that participates in managing the other computer entities engaged on a peer to peer basis, the participation in managing computer entities being a condition of operating the peer to peer protocol,  
wherein said management process utilizes a resource of the first computer entity, and is invoked as a background activity to

manage the other computer entities.

Claim 16 includes operating a management process that participates in managing the other computer entities engaged on a peer to peer basis. The participation in managing computer entities is a condition of operating the peer to peer protocol. This is not disclosed or suggested in the cited art.

As discussed above, an embodiment of this feature is described in the Specification, for example, beginning on page 5, line 31 through page 6, line 3. The Specification teaches that this feature guarantees that each peer computer contributes resources for use by other computers as well as consuming services of the network. See the Specification, for example, at page 5, lines 26 through 31.

The requirement that computers operating a peer to peer protocol participate in managing other computer entities on a peer to peer basis as a condition of operating the peer to peer protocol is not disclosed or suggested by the references cited by Examiner.

**Discussion of independent claim 17 and claims dependent thereon:**

Independent claim 17 recites:

A method performed by a first computer entity having:  
a set of computing resources; and  
a higher level service provided by a service application, said  
method comprising:  
operating a peer to peer protocol for enabling said first  
computer entity to utilize a resource of a second computer entity in  
a peer to peer network, and for enabling said second computer  
entity to utilize a resource of said computer entity; and  
operating a management process for managing said second  
computer entity, the participation in managing the second computer  
being a condition of operating the peer to peer protocol,  
wherein said management process utilizes said set of computing  
resources, and is invoked as a background activity to manage said  
second computer entity.

Claim 17 includes operating a management process that participates in managing the other computer entities engaged on a peer to peer basis. The participation in managing computer entities is a condition of operating the peer to peer protocol. This is not disclosed or suggested in the cited art.

As discussed above, an embodiment of this feature is described in the Specification, for example, beginning on page 5, line 31 through page 6, line 3.

The Specification teaches that this feature guarantees that each peer computer contributes resources for use by other computers as well as consuming services of the network. See the Specification, for example, at page 5, lines 26 through 31.

The requirement that computers operating a peer to peer protocol participate in managing other computer entities on a peer to peer basis is not disclosed or suggested by the references cited by Examiner.

### **CONCLUSION**

Applicant believes this Amendment places the present case in condition for allowance and favorable action is respectfully requested. This response is believed to be a complete response to the Office Action; however, Applicant reserves the right to set forth further arguments in future papers supporting the patentability of any of the claims, including the separate patentability of the dependent claims not explicitly addressed herein. In addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. The absence of a reply to a specific rejection, issue, or comment in the Office Action does not signify agreement with or concession of that rejection, issue, or comment. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.

If the Examiner has any comments or suggestions which could place this application in better form, the Examiner is requested to telephone the undersigned attorney at the number listed below.

Respectfully submitted,  
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